

To the Commission:

As an amateur radio operator, I am opposed to BPL. Given the nature of docket 04-37,

I will direct my comments to a related BPL issue, that is liability.

FCC is proposing to allow the creation of infrastructure using a system that will be

highly vulnerable to interference from licensed transmitters. Mere Part 15 warnings will

not be enough to protect me from angry neighbors unable to download their pornographic videos. I am asking the Commission to add to Part 15 the following:

47CFR15.5

(e) Limitation on Liability; Preemption of State Law.

(1) Limitation on Liability.--No action or proceeding may be brought by or on behalf of a user of any Part 15 device or service using any Part 15 device.

(2) Preemption.--No state or political subdivision thereof may enact or enforce any law that prohibits, penalizes, or imposes liability on any person holding an FCC license allowing operation of a transmitting station, either fixed or mobile.

Respectfully submitted,

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